

REMARKS

Claims 1-12 were pending in this application, and claim 1 has been rejected and claims 2-12 have been objected to in Paper No./Mail Date 20040623. Acknowledge is made with appreciation of the indication of allowable subject matter in claims 2-12. By this amendment, claim 1 has been amended to further emphasize the features of the present invention, and claims 1-2 have been amended to correct a typographical error. The amendment to the claim 1 is fully supported by the original specification, drawings and claims (see, for example, Applicants' specification page 15, lines 2-7 (Fig. 3)). New claims 13-24 have been added to further highlight the features of the present invention. No new matter has been added by this amendment. Upon entry of this amendment claims 1-24 will remain pending in this application. The requisite fee for one additional independent claims and for claims in excess of twenty, is submitted herewith. The Examiner is respectfully requested to reconsider and withdraw the outstanding objection(s) and rejection(s) in view of the amendments and remarks contained herein.

Allowable Subject Matter

Claims 5 and 9 which depend from rejected claim 1, were objected to as being dependent upon a rejected base claim. However, the Office Action indicates that these claims would be allowable if rewritten in independent form. Accordingly, claims 5 and 9 have been rewritten in independent form as new claims 23 and 24. Accordingly, new independent claims 23 and 24 are submitted to be in immediate condition for allowance.

The Office Action also indicates that claims 2-4, 6-8 and 10-12 would be allowable if rewritten to overcome the objections set forth in this Office Action. Accordingly, claims 1-2 have been amended to overcome the objection set forth in this Office Action as discussed below.

IN THE DRAWINGS:

Figures 2 and 15 have been amended as shown in the attached Replacement Drawing Sheets.

Therefore, Applicants submit that claims 2-4, 6-8 and 10-12 are in immediate condition for allowance.

Drawings

The drawings were objected to because of minor informalities in Figs. 2 and 15.

Replacement Drawings have been submitted herewith incorporating the changes suggested by the Examiner.

The drawings were also objected to as failing to comply with 37 CFR 1.84(p)(5) because reference character 32c in Fig. 2 is not mention in the written description. Accordingly, the specification has been amended to properly label the elastic members as “32c” on page 19, line 11.

Therefore, Applicants respectfully request withdrawal of the objections to the drawings.

Specification

The specification was objected to because of several informalities. Accordingly, the specification has been amended as suggested by the Examiner. Applicants also made additional editorial amendments to the specification on pages 3, 8, 12, 16, 17, 19, 40, 41 and 42 for clarity.

The specification also was objected to because of the incorporation of improper material. The Office Action states that Applicants must amend the specification to include the material incorporated by reference. However, Applicants respectfully submit that this objection is not supported by the current Examiner’s guidelines. In this regard reference is made to MPEP 608.01(p)(I)(B) which states that as a safeguard against the omission of a portion of a prior application for which priority is claimed under 35 U.S.C. 119(a)-(d) or (f) or for which benefit is

claimed under 35 U.S.C. 119(e) or 120, applicant may include a statement at the time of filing of the later application incorporating by reference the prior application. Page 45, line 13 of this application incorporates by reference Japanese Application No. 2002-320084, the application to which the present application claims priority benefit under §119. As such, Applicants respectfully submit that the incorporation by reference of the priority application in the present application is proper.

Hence, Applicants respectfully request withdrawal of the objections to the specification.

Claim Objection

Claims 1-2 were objected to because of a typographical error. Accordingly, line 14 of claims 1-2 has been amended by changing the term “with” to --while-- as suggested by the Examiner. As such, Applicants request withdrawal of this objection.

Claim Rejection Under 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Schwede (U.S. Pat. No. 5,074,587). Applicants respectfully submit that this rejection should be withdrawn because the cited patent fails to inherently or explicitly disclose each and every feature detailed in amended claim 1.

Schwede fails to disclose or suggest the feature of amended claim 1 wherein the first and second crossmembers are connected to each other at an intersecting portion to form an X shape. While the struts in Schwede intersect in the middle region of the vehicle from respectively opposite sides, the struts are not connected to each other at the intersecting portion in the context of the claimed invention. In the present invention, the crossmembers connected to each other at

the intersecting portion to form an X shape. Crossmembers having this feature show higher stiffness than those without this feature. Specifically, the connection of the crossmembers at the intersecting portion brings about an increase in the stiffness of the connected right and left side frames, and there is an increase the stiffness for supporting the suspension. Also, the properties for dispersing load generated in a car crash are enhanced. Hence, the crossmemembers connected at the intersecting portion bring out the effect that the impact load can be more easily dispersed and transmitted to the whole body. Schwede fails to disclose or suggest this claimed feature of crossmembers connected at the intersecting portion and the resulting benefits of amended claim 1.

Therefore, Applicants respectfully submit that, as amended, claim 1 is not anticipated by Schwede under 35 U.S.C. § 102 and rather are in condition for allowance thereover.

In addition, Applicants submit that new claims 13-24, which further emphasize the features of the claimed invention, are in condition for allowance. New dependent claims 13-20 describe various connecting arrangements of the intersecting crossmembers. New dependent claims 21 and 22 (that depend from claims 1 and 2 respectively) refer to a third crossmember extending widthwise and connected at the front ends of the left and right rear side frames with crossmember 8 in Figure 1 being illustrative. As noted above, new independent claims 23 and 24 represent a rewriting of objected to claims 5 and 9 with the original claim 1, the wording and the respective features in these individual claims being allowable but for their dependent form.

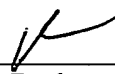
CONCLUSION

Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejection(s) and objection(s) in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited. If any fees under 35 C. F. R. § 1.16 or 1.17 are due in connection with this filing, please charge the Fees to Deposit Account No. 02-4300, Order No. 032405R158.

Also, if for any reason the application is not considered to be in immediate condition for allowance, the Examiner is invited to telephone the undersigned to further discuss the case.

Respectfully submitted,

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